

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

RODNEY BROADNAX, et al.,

Plaintiffs,

v.

CIVIL ACTION No. 1:22-00437

UNITED STATES OF AMERICA, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Memorandum Opinion and Order dated June 24, 2024, the court referred defendant's motion for a stay of discovery pending a ruling on its motion to dismiss for lack of subject matter jurisdiction (ECF No. 58) to Magistrate Judge Aboulhosn for a determination of (1) whether plaintiffs can establish a need for jurisdictional discovery; (2) if they can, the scope of that discovery; and (3) a proposed timeline for any discovery deemed necessary. (ECF No. 82). Although plaintiffs initially opposed a stay of discovery, they have since withdrawn their objection and have formally joined in defendant's motion to stay discovery until resolution of the pending motion to dismiss. See ECF No. 78 at 2. In so doing, they have conceded that jurisdictional discovery is unnecessary.


Based upon the foregoing, the referral to Magistrate Judge Aboulhosn is hereby **VACATED**; the motion(s) to stay discovery (ECF Nos. 58 and 78) are **GRANTED**; the United States' motion to

dismiss for failure to disclose expert witnesses is **DENIED**; plaintiffs' motion for a hearing and/or status conference is **DENIED** without prejudice. There is no reason for a status conference until the court resolves the pending motion to dismiss. The court reserves its right to schedule argument on that motion should it deem it helpful. Finally, should the United States' motion to dismiss be denied, the court will then enter a new scheduling order setting it at that time.

The Clerk is directed to send copies of this Memorandum Opinion and Order to all counsel of record and to Magistrate Judge Aboulhosn.

IT IS SO ORDERED this 2nd day of July, 2024.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge